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Alan Soble

Abington College of Pennsylvania State University

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Discussion Paper

Comments on “Good Sex on Kantian Grounds, or A Reply to Alan Soble,” or A Reply to Joshua Schulz

1. I begin by suggesting that Joshua Schulz could have done a better job with his references and sources. This complaint, I argue, is not to pick nits. One book that Schulz draws on is my edited collection *The Philosophy of Sex: Contemporary Readings* (Rowman and Littlefield). But the edition he uses is the ancient first edition from 1980; in 2002 the book came out in its 4th edition. (The 5th edition will appear in mid-2007.) Schulz’s essay would have been more reader-friendly had he employed the 4th edition, for it contains in one convenient place material that Schulz refers to in his article, including the essays by Alan Goldman, Thomas Mappes, and Martha Nussbaum, in addition to a chunk of Kant’s *Vorlesung* (*Lectures on Ethics*), in which Kant lays out his dramatic views about sexuality. The 4th edition of *Philosophy of Sex* also contains a revised and expanded version of the essay I originally published in *Essays in Philosophy* in 2001 (“Sexual Use”) and to which Schulz replies. Schulz’s discussion of my views, and the views of the philosophers I discuss in my essay, would have benefited from his focusing on this revision. We have two reasons, so far, for worrying about Schulz’s bibliographic procedures. Further, the 4th edition of *Philosophy of Sex* includes Irving Singer’s “The Morality of Sex: Contra Kant” (reprinted from his *Explorations in Love and Sex* [Lanham, Md.: Rowman and Littlefield, 2002], pp. 1-20), which provides that which Schulz seeks in his essay (and, I will argue, never attains) — a “wholesome” or “optimistic” account of sexuality. It is also a piece that approaches sexual desire and activity in a way much different from Kant.

There are other bibliographic curiosities in Schulz’s essay. Given that Schulz’s views about sexual desire and activity, or his version of Kant’s views, rely on intentionality and the concept “person,” given that he argues that the morally proper place for sexual expression is marriage, and given the last sentence of his essay (“Sexual desire . . . can be educated”), I was surprised that he ignores Roger Scruton’s *Sexual Desire: A Moral Philosophy of the Erotic* (New York: Free Press, 1986). I was also surprised that someone who without apology or explanation uses the term “concupiscence” and invokes, in the pursuit of his philosophical goal, St. Paul’s “remedy against sin” benefit of marriage (1 Corinthians 7), overlooks Karol Wojtyla’s *Love and Responsibility* (New York: Farrar, Straus and Giroux, 1981), in which the late Pope John Paul II attempts to merge Kant’s Second Formulation of the Categorical Imperative (which he calls “the personalist norm”) with Roman Catholicism. (What a shock to find Schulz citing the Divine Debauchee, Georges Bataille.) He also slights the fine work done by Lara Denis (although stemming from a different ideological perspective), which already improves Kant on sexuality, in particular her “From Friendship to Marriage: Revising Kant” (*Philosophy and Phenomenological Research* 63 [2001], pp. 1-28).

Denis's "Kant on the Wrongness of 'Unnatural' Sex" (*History of Philosophy Quarterly* 16 [1999], pp. 225-48) is similarly useful. Elizabeth Brake's "Justice and Virtue in Kant's Account of Marriage" (*Kantian Review* 9 [2005], pp. 58-94) is relevant; it was published perhaps soon enough for Schulz to have acknowledged it. Both Denis and Brake have written more recent pieces on Kant; I mention them only to edify the reader and assist Schulz, knowing that he likely could not have taken them into account: Denis, "Sex and the Virtuous Kantian Agent" (in Raja Halwani, ed., *Sex and Ethics: Essays on Sexuality, Virtue and the Good Life* [London: Palgrave, 2007], pp. 37-48); and Brake, "Kant, Immanuel" (in Alan Soble, ed., *Sex from Plato to Paglia: A Philosophical Encyclopedia* [Westport, Conn.: Greenwood Press, 2006], vol. 1, pp. 543-53). Another philosopher who has explored Kant's philosophy deeply (the way Schulz certainly does), while paying attention to Scruton and defending not-so-liberal sexual ethics, is Seiriol Morgan. Schulz would have benefited from consulting "Dark Desires" (*Ethical Theory and Moral Practice* 6:4 [2003], pp. 377-410) and "Sex in the Head" (*Journal of Applied Philosophy* 20:1 [2003], p. 1-16).

Allow me three more bibliographic points. Schulz claims that "sexual desire is always a desire *for* something under conditions: sexual desire, like all human desires, is intentional." I'm not sure that to say that sexual desire is a desire *for* something is equivalent to saying that sexual desire is "intentional," but the claim that sexual desire is *for* something — that sexual desire is "propositional" — has been powerfully denied by Jerome Shaffer in his brilliant essay "Sexual Desire" (*Journal of Philosophy* 75:4 [1978], pp. 175-89; reprinted in Alan Soble, ed., *Sex, Love, and Friendship* [Amsterdam: Rodopi, 1997], pp. 1-12). Schulz's fascinating Kantian take on Adam and Eve might have been even more thoroughly Kantian (or more in keeping with what Kant wrote about that happy couple) had Schulz brought in Kant's "Conjectural Beginning of Human History" (1786; in Lewis White Beck, ed., *On History* [Indianapolis, Ind.: Bobbs-Merrill, 1963], pp. 53-68), which I discuss in "Kant and Sexual Perversion" (*Monist* 86 [2003], pp. 55-89). Finally, the impact of Schulz's reliance on "person" might have emerged more clearly had he considered Thomas Nagel's ontological use of "person" in describing human sexual arousal ("Sexual Perversion," in *Mortal Questions* [Cambridge: Cambridge University Press, 1979], pp. 39-52, which is a revision of his essay from *Journal of Philosophy* 66:1 [1969], pp. 5-17; it is reprinted in all 5 editions of *Philosophy of Sex*) and, further, how Sara Ruddick took this concept from Nagel and put a moral spin on it ("Better Sex," in Robert Baker and Frederick Elliston, eds., *Philosophy and Sex*, 2nd ed. [Buffalo, N.Y.: Prometheus, 1984], pp. 280-99). The differences between Nagel's purely ontological and Ruddick's ontological-moral use of "person" are explored in my *Sexual Investigations* (New York: New York University Press, 1996), pp. 74-77, and "Completeness, Sexual," *Sex from Plato to Paglia*, vol. 1, pp. 179-84.

2. I have been using "Kantian" without explanation. Schulz writes (in note 21):

[Alan] Goldman argues that . . . Kant's second formulation of the categorical imperative is *best interpreted exactly as Kant interprets it*: as a demand for "reciprocity in sexual relations," such that "even in an act which by its nature 'objectifies' the other, one recognizes a partner as a subject with demands and desires by yielding to those desires, by allowing oneself to be a sexual object as well, by giving pleasure or ensuring that the pleasures of the act are mutual" . . . Goldman concludes that "It is this kind of reciprocity which forms the basis for morality in sex, which distinguishes right acts from wrong in this area as in others" . . . [my ellipses and italics]

Is it true that Goldman's interpretation of the Categorical Imperative is exactly Kant's? That cannot be right. If it were, then Kant, as Goldman does, would bless casual sex as long as each person in the encounter tries to please, in reciprocal fashion, the other person (*but Kant doesn't*). Is it even true that Goldman claims that the Categorical Imperative is "best interpreted exactly as Kant interprets it"? No. What Goldman actually writes in his essay is that his interpretation is a "more realistic rendering" of the Categorical Imperative than Kant's. I don't know what Goldman means by the odd phrase "more realistic," but he's at least saying that Kant's interpretation of the Categorical Imperative requires modification (in a liberalizing direction). Goldman ends up with a *Kantian* view of sexual morality, or a Kantish view — a view *inspired by* Kant — but surely not a restatement of Kant's position. We get, in Goldman's account, only what Kant should have written, had he been more on his moral and anthropological toes. I think a rereading of this sort also occurs in Denis's essays on Kant, especially in "From Friendship to Marriage: Revising Kant." What I tried to do in "Sexual Use" was to stick faithfully to Kant. Schulz goes the route of Goldman and Denis. How far from Kant he travels and whether his elaborations are acceptable depend on his purpose: is he primarily doing exegesis, or is he formulating a philosophy in the "spirit" of Kant and so is not required to toe Kant's line?

3. Schulz's main contention in his essay is that he successfully responds to a challenge I posed in the "Metaphilosophical Finale" at the end of "Sexual Use" (section V in the original, section VI in the revision). Here is nearly the entire passage from the original:

I want to comment . . . on a shrewd observation about Kant . . . made by Howard Williams. . . . "[A]n important premiss of Kant's argument is that sexual relations necessarily involve treating oneself and one's partner as things. . . . [T]o demonstrate convincingly that marriage is the only ethically desirable context for sex, Kant ought to start from better premisses than these." Let me explain what is interesting here. Baumrin argues that if we want to justify sexual activity at all, we should start by admitting the worst: "I begin . . . by admitting the most damaging facts . . . that any theory of sexual morality must countenance," viz., that "Human sexual interaction is essentially manipulative — physically, psychologically, emotionally, and even intellectually." Starting with premises about sexuality any less ugly or more optimistic would make justifying sexual activity too easy. Williams's point is that if we want to justify the specific claim that sex is permissible only in marriage, starting with Kantian premises about the nature of sex makes that task too easy. If sex is in its essence wholesome, or if, as in Mappes and Goldman, sexual activity does not differ significantly from other human activities, it becomes easier both to justify sexual activity and to justify sex outside of marriage. Those, including many Christian philosophers, who assume the worst about sex gain an advantage in defending the view that sexuality must be restricted to matrimony. This procedure is copied in a milder way by Nussbaum and Hampton, who reject casual sex. The convincing intellectual trick would be to assume the *best* about sex, that it is by its nature wholesome, and then argue, *anyway*, that it should be restricted to marriage or that casual sex is wrong. (What might that optimistic account of sex look like?) Perhaps the liberals Baumrin and Goldman are trying to pull off the reverse trick, in that they admit the worst about sexuality and still come out with a permissive sexual morality. But in admitting the worst, how do they avoid concluding, with Kant, that sex is permissible only in marriage? Perhaps they succeed, or think they

do, only by reading the Second Formulation in a very narrow or easily satisfied way.
[note numbers omitted]

I quoted myself at length because I wanted you, the reader, to get the full flavor of the problem. Schulz also quotes part of the passage (ignore the minor discrepancies):

If sex is, in its essence, wholesome, or if, as in Mappes and Goldman, sexual activity does not differ significantly from other human activities, it becomes easier to both justify sexual activity and to justify sex outside of marriage. Those, including many Christian philosophers, who assume the worst about sex gain an advantage in defending the view that sexuality must be restricted to matrimony. . . . The convincing intellectual trick would be to assume the *best* about sex, that it is by its nature wholesome, and then argue, *anyway*, that it should be restricted to marriage or that casual sex is wrong. (What might an optimistic account of sex look like)?

Then he announces, “I would like to perform the trick. I will argue that sex is by its nature wholesome (though not unconditionally so), and that sex should be restricted to marriage.” I will argue that Schulz does not “perform the trick.” The central reason is that he does not abide by the terms of the challenge; he does not begin with “optimistic” accounts of sexual desire and activity according to which “sex is by its nature wholesome.” His (modified) Kantian definitions of sexual desire and activity are far from being the “best” assumptions about sex.

4. Schulz, in the culminating heart of his essay, provides a number of reasons for thinking that “marriage is the best context in which to pursue sexual goods insofar as it best minimizes the risk of objectification.” I do not think this is true; nor do I think that Schulz has adequately defended it. His various arguments that marriage is the morally proper place for the expression of sexuality (it “should be restricted to marriage”) are weak. But that is beside the point. Notice what Schulz is asserting: the value of restricting sex to marriage is that doing so minimizes objectification. But this assumes that there is something objectifying about sexuality itself that needs to be dealt with, overcome, or controlled. And to make that assumption is *not* to start with a “wholesome” view of sexuality. So Schulz has not performed the trick. He has, as I predicted in “Sexual Use,” made things *too easy* on himself.

If marriage is touted because it has the power to attenuate the objectifying tendencies of sexual desire and activity, the challenge I posed at the end of “Sexual Use” has not been satisfied. The challenge was to assume the best about sex, that it is not especially associated with morally suspicious motives or attitudes, and then defend the claim that marriage is, anyway, the morally proper location for human sexuality. Kant assumes sex is by its nature objectifying and concludes that it ought to occur only in marriage. Schulz grants too much to Kant’s premises and of course defends marriage as well, on the grounds that it overcomes objectification. What Shultz argues, and at most shows (which only supports my claim in “Sexual Use,” not refutes it), is that if sex has objectifying tendencies, then sex in marriage or a Nussbaumian committed relationship has a better chance of attenuating the nastiness of sex, the objectification of self and other, than do other arrangements, for example, the bare mutual consent (of casual partners), as in Mappes, or mutual consent (of casual partners) supplemented with Goldmanian reciprocity.

Examine Schulz’s revised Kantian definitions:

P1': Human sexual desire is, in itself, the bodily appetite of a human person to use the body of a human person for the purpose of carnal satisfaction got through the use of their body's members.

P2': Human sexual activity is any act in which each human person's body functions as the object of the other human person's sexual desire.

But what I meant by "wholesome" in "Sexual Use" was this: at least not, by its nature, selfish, self-centered, objectifying, or instrumental. Precisely these troublesome moral features are built right into Schulz's definitions of sexual desire and activity, the same way Kant does it: "in itself," "appetite," "to use," "for the purpose of . . . satisfaction," "functions as an object." In my essay, I asked, almost rhetorically, what an "optimistic" or "wholesome" account of sexuality would look like. There are some obvious candidates, but I did not mention them because they are, I suspect, false. Further, these "optimistic" accounts paint such a beautiful picture of human sexuality that they abundantly confirm my claim that if we start with a pretty picture of sex we will be hard pressed to defend the claim that marriage is the morally proper place for sex. Had Schulz begun with such a model and concluded through convincing arguments that marriage was morally the only or best place for sex, he would have met the challenge. Suppose (this is not Singer's view; for the details, see my "Hobbes, Thomas," in *Sex from Plato to Paglia*, vol. 1, pp. 454-60) that by its nature sexual desire was composed entirely of the desire to provide sexual pleasure to another person, a desire to satisfy the other merely for the other's sake. See? There could, on such an account of sexual desire, be no or little objection to casual sexual encounters, and marriage would seem not to be necessary or even relevant for loving, caring, respectful sexual activity.

Alan Soble
Abington College of Pennsylvania State University
Drexel University
Community College of Southern Nevada
asoble@uno.edu